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OFFICE OF PETITIONS

In re Application of :
Johannes Christianus Van Groeninghen :
Application No. 09/446,996 :
Filed: December 30, 1999 :
Attorney Docket No. 49477(1958) :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 17, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed April 22, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 23, 2002.

The above-identified application has been abandoned for an extended period of time. Further, petitioner herein was not the attorney of record at the time the application became abandoned. Accordingly, the US Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the US Patent and Trademark Office).

Receipt is acknowledged of the Supplemental Oath of Declaration and the Supplemental Information Disclosure Statement (IDS) filed with the instant petition.

The Power of Attorney and Change of Correspondence has been accepted and recorded.

The statement claiming small entity status in accordance with 37 CFR 1.27 embodied in the petition under 37 CFR 1.137(b) has been made of record and small entity status has been accorded.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment and a Request for Continued Examination (RCE); (2) the petition fee of \$750; and (3) the required statement of unintentional delay have been received. Accordingly, the petition filed August 17, 2005 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The application file is being forwarded to Technology Center 1600, Art Unit 1646 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.



Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy